

## APPENDIX B: Draft Memorandum of Understanding Between the Bureau of Land Management and U.S. Army Alaska for the Management of Military Lands in Alaska

### 1. PURPOSE

This document lists specific of cooperation between the Bureau of Land Management (BLM) and U.S. Army Alaska (USARAK) for cooperative management of all public lands withdrawn for military use by the Army in Alaska accordance with the Military Lands Withdrawal Act of 2001 (Public Law 106-65). This document serves as the Memorandum of Agreement required by PL 106-65 and FLPMA.

### 2. AUTHORITY

- A. Military Lands Withdrawal Act of 2001 (P.L. 106-65)
- B. Federal Land Policy and Management Act of 1976 (P.L. 94-579), as amended
- C. Sikes Act (P.L. 86-797), as amended
- D. National Environmental Policy Act of 1969 (P.L. 91-190), as amended (NEPA)

### 3. OBJECTIVE

To improve communication and coordination and ensure cooperation between all BLM and USARAK.

The Military Lands Withdrawal Act of 2001 authorized the re-withdrawal of certain public lands in Alaska for continued military use. The act required the Secretary of the Interior to manage the lands pursuant to the Federal Land Policy and Management Act of 1976 and other applicable laws. Pursuant to the Act, BLM and USARAK developed Resource Management Plans (RMP)s for the management of natural resources on the withdrawn lands and enter into this Memorandum of Understanding (MOU) to implement those plans. The Resource Management Plans for Fort Richardson will be reviewed as necessary and amended upon agreement by both BLM and USARAK.

The Sikes Act Improvement Act (1998) requires the completion of Integrated Natural Resources Management Plans for all military lands, including withdrawn lands. As required by the Sikes Act, the following agreements are made:

- 1. This U.S. Army Alaska Integrated Natural Resources Management Plan is the planning document required by the Sikes Act, as amended.
- 2. This plan will be reviewed by the ADFG, BLM, USFWS, and USARAK regularly, but not less often than every five years.

Through this MOU, USARAK and BLM will fulfill the mandate of the Military Lands Withdrawal Act of 2001 to implement plans for land withdrawal and the Sikes Act. This agreement clearly defines the roles and responsibilities of the two agencies to efficiently and effectively manage the nonmilitary uses and natural resources of these withdrawn lands.

This MOU outlines the procedures with which BLM and USARAK will implement the plans. This management is to be consistent with applicable law, subject to such conditions and restrictions necessary to permit the military use of such lands, and provide for proper management and protection of the resources and values of such lands, including protection of wildlife and wildlife habitat, recreation, and fire prevention and suppression of fires.

## 4. DEFINITIONS

### 4.1 Joint Stewardship and Joint Management

Joint management refers to Congressionally directed shared responsibility by the Bureau of Land Management (BLM) and that Department of Defense (DOD) for organizing, controlling, and supervising activities on certain withdrawn federal lands.

Joint stewardship refers to the working relationship entered into between USARAK, ADF&G, USFWS, and BLM for the care of withdrawn federal lands in Alaska and associated resources used by USARAK for military mission requirements.

The majority of the land currently used by USARAK is on long-term withdrawal from public domain lands originally assigned to the Department of the Interior's (DOI) Bureau of Land Management (BLM). Provisions for management of these lands are generally specified in each of the public laws, public land orders, executive orders, and other enabling documents.

Whenever the military uses a tract of public land originally assigned to another agency it incurs legal and moral responsibilities for the stewardship of the land and its resources. Residual responsibility for USARAK withdrawn lands remain with BLM, who retains interest in the stewardship of the transferred parcel, even though the land is under DOD's long-term management.

The reason USARAK land is withdrawn from other public use to the military is to enhance military readiness in the interest of national defense. If the land were intended to be managed primarily for multiple uses, it would not be managed by a military service. Under USARAK management, land is used primarily for national security purposes (e.g., training and testing), but will also be managed to accommodate additional uses as long as they do not impinge on the primary military readiness mission.

### 4.2 Specific Lands Withdrawn for Military Use in Alaska

Lands withdrawn for military use in Alaska referenced in this agreement include the following:

#### Fort Greely and Donnelly Training Area

- Donnelly East and West Training Areas (PL 106-65)

- Fort Greely Main Post

- Gerstle River Training Area

- Black Rapids Training Site

- Whistler Creek Training Site

#### Fort Richardson

#### Fort Wainwright

- Fort Wainwright Main Post

- Tanana Flats Training Area

- Yukon Training Area (PL106-65)

### 4.3 Military Use vs. Nonmilitary Use

#### 4.3.1 Nonmilitary Activities

Nonmilitary use: All human use of the land or natural resources of these withdrawn lands that is not connected in any way to the military mission.

1. All nonmilitary use of these withdrawn lands shall be subject to such conditions and restrictions as may be necessary to permit the continued and future military use of such lands. Any use authorized by – BLM will require USARAK concurrence so that military use of the land is not restricted.

2. BLM or the proponent shall prepare environmental documentation for nonmilitary activities on these withdrawn lands following a preliminary consultation with USARAK. BLM shall coordinate all NEPA documents, formal consultations, and permits with USARAK, providing opportunity to comment, during each stage of the authorization process. USARAK shall comment in writing. BLM will provide USARAK copies of all final NEPA and authorization documents.
3. BLM may issue use authorizations or resource sales only with the concurrence of USARAK. USARAK will grant or deny concurrence in writing. USARAK will respond to a request for project review and concurrence within 30 calendar days, except that extensions of time may be requested for cause. Generally, actions which can be approved locally will be returned within the allotted time; however, for any actions which require approval at higher headquarters (outside Alaska), an additional 30-60 days will be required. USARAK may attach stipulations designed to protect military present and future use of the land to any concurrence for nonmilitary use. Such stipulations, however, shall not be used as a de facto means of denying nonmilitary use. USARAK's concurrence may be withdrawn for cause.

#### 4.3.2 Military Activities

Military use: Any use of the land or natural resources connected in some way to the present or future military mission. Since implementation of all projects detailed in the Sikes Act INRMP support the military mission, all projects and uses contained in the USARAK INRMP are by definition classified as a military use.

1. USARAK or the proponent of military activities shall prepare environmental documentation for military activities on these withdrawn lands in accordance with 32 CFR 651. This environmental documentation should address impacts of the proposed military activities on the decisions and resources addressed in the RMP and the associated activity plans. USARAK shall coordinate all NEPA documents, formal consultations, and permits with BLM, providing opportunity to comment, as appropriate. BLM shall comment in writing. USARAK will provide BLM copies of all final NEPA and authorization documents
2. USARAK shall promptly notify BLM in the event that these withdrawn lands will be used for defense-related purposes other than those specified in Section 1 of the Military Lands Withdrawal Act of 1986 (Sec. 3(t)). Such notification must indicate the additional uses involved, the proposed duration of such uses and any proposed restrictions to be imposed on otherwise permitted non-military uses of the withdrawn lands.

#### 5. MUTUAL AGREEMENT

USARAK and BLM agree to the following measures to coordinate implementation and resolve disputes regarding this MOU and the RMPs:

1. The primary USARAK point of contact will be the local Natural Resources Manager (currently located within the Directorate of Public Works, Environmental Resources Department). The Natural Resources Manager will coordinate actions through the appropriate military chain of command for approval or concurrence.
2. The primary BLM point of contact will be the Planning Environmental Coordinator for the Northern Field Office. The Planning Environmental Coordinator will coordinate actions through the appropriate BLM chain of command for approval or concurrence.
3. The second level for project coordination and dispute resolution shall be:
  - A. USARAK – Director of Public Works, Fort Richardson, Alaska.
  - B. BLM – Manager, Northern Field Office.

4. The above named points of contact may be changed by giving written notification.
5. The third level of project coordination and dispute resolution shall be:
  - A. USARAK-USARAK Commander
  - B. BLM-Alaska State Director
6. USARAK and BLM may enter into supplemental agreements where necessary to specify interrelationships in detail or for specific projects or activities. Any supplemental agreement will be in accordance with this MOU and the Military Lands Withdrawal Act of 2001.
  - A. USARAK and BLM will review this MOU at least every 3 years to determine its adequacy, effectiveness, and need for updating.
  - B. The terms of this MOU may be renegotiated at any time at the request of either signatory, following 30 days notice to the other party.
  - C. Either party may propose changes to this MOU during its term. Such changes will be in the form of an amendment and will become effective upon signature by both parties. Such amendments may be signed by the signatory or that person's successor or designee.
  - D. This MOU will expire November 6, 2026, unless cancelled, extended, or renewed.
  - E. This MOU will become effective upon signature by the BLM and USARAK.

## 6. RESPONSIBILITIES

### 6.1 Access

1. The military's need for secure and safe training areas dictates that USARAK has responsibility for controlling access to these withdrawn land. In the exercise of these responsibilities and in conformance with decisions reached in the resource management plans, USARAK:
  - A. will maintain signs at all major road and trail entrances to the withdrawn lands identifying the property and the requirements for entering,
  - B. will maintain signs warning the public and prevent access into impact areas and other restricted areas, c. may allow specific nonmilitary uses and users into closed areas as appropriate,
  - C. will close potentially dangerous lands in addition to those described in the RMPs, if any are created or discovered,
  - D. may close a buffer zone around impact areas during times of use,
  - E. may close any area of the withdrawals in accordance with Sec. 3(b), PL 106-65,
  - F. may restrict vehicle use more than described in the resource management plans, if required to preclude conflicts with the military's mission.
2. BLM, in coordination with USARAK, may impose greater restrictions on nonmilitary vehicle use than described in the RMPs as necessary to protect the environment.
3. BLM and USARAK, through mutual consent, may lift restrictions on vehicle use described in the RMPs.
4. All trespass constitutes an infringement upon the military mission and is subject to BLM and USARAK law enforcement activities. In cases in which the action of the trespasser, if otherwise undertaken pursuant to valid permit or other authorization, would require the payment of rentals, fees, or appraised value,

USARAK will coordinate law enforcement activities with BLM. Recovery of damages or lost revenue shall be carried out by BLM, but shall in no way inhibit or delay USARAK's abatement activity .

## 6.2 Ecosystem Management

Ecosystem management on Fort Richardson is the primary responsibility of USARAK. Coordinating the many land uses on post is the responsibility of DPTSM Range Control, while management of natural resources and recreation is the responsibility of DPW. Most commercial uses and all leases, easements and rights of way must be permitted by BLM, with concurrence by USARAK. Both USFWS and ADF&G play integral roles in ecosystem management both on the installation and in regional ecosystem management efforts.

## 6.3 Integrated Training Area Management (ITAM)

ITAM is the primary responsibility of USARAK. The ITAM Program links the efforts of the DPTSM, who has responsibility for installation training land management, with the efforts of the DPW and the natural and cultural resources/environmental staffs to support the overall objectives of sustaining a well-trained and equipped combat force.

## 6.4 Watershed Management

Watershed management on Fort Richardson is the responsibility of USARAK. Within USARAK, DPW Environmental Department has primary responsibility to conduct watershed management. DPTSM also shares responsibilities to implement soil and water quality management through the LRAM program and through best management practices of the impact areas. U.S. Army Corps of Engineers, under the Clean Water Act, is the primary regulator. The Environmental Protection Agency also has regulatory responsibility under the Safe Drinking Water Act. ADEC also has responsibility for regulating soil and water quality.

USARAK recognizes that the release of contaminants into the environment and response actions to cleanup those contaminants may result in adverse impacts to natural resources addressed in the RMPs and the INRMP. The Installation Restoration Program (IRP) is responsible for identifying such releases, considering risks and assessing impacts to the environment (including impacts to endangered species, migratory birds and biotic communities), and developing and selecting response actions when unacceptable risk to ecological receptors from the release is likely. The installation's natural resources management staff, in coordination with the USFWS and Alaska Department of Fish and Game, will identify potential impacts to natural resources caused by the release of contaminants and communicate those impacts to the IRP. Installation natural resource staff will also participate, as appropriate, in the IRP decision-making process to communicate natural resource issues, review and comment on documents (e.g. Remedial Investigation, Ecological Risk Assessment), and ensure that response actions, to the maximum extent practicable, are undertaken in a manner consistent with goals and objectives set forth in the INRMP.

The IRP will notify installation natural resource management staff of contaminant releases into the environment and invite such staff to participate in the decision making process to ensure that impacts to natural resources are identified, considered and addressed.

## 6.5 Minerals Management

Mineral resources on public lands withdrawn for military purposes in Alaska are managed by BLM under Federal regulations found in 43 CFR 3000. Sale and/or free use of mineral materials require NEPA review, and USARAK concurrence. Unauthorized use of mineral materials is considered trespass and will be resolved jointly by USARAK and the BLM. BLM agrees to permit USARAK use of non-saleable minerals (gravel) for military purposes.

## 6.6 Wetlands Management

Range Control, a component of the Directorate of Plans, Training, Security and Mobilization (DPTSM), is the primary authority for regulating military land use and various stipulations of the permits. Range Control's authority to schedule training facilities and conduct range inspections initiates from the Installation Commander and is explained in the USARAK Range Regulation 350-2, which details acceptable conduct during training exercises in the field to reduce negative environmental impacts.

## 6.7 Forestry and Vegetation Management

All forestry and vegetation shall be managed cooperatively between BLM and USARAK. Forests on withdrawals fall under BLM's restricted category for management; that is, management of the withdrawal is primarily for the military, but timber harvests are permitted.

All vegetation manipulation or removal for the purpose of forest timber sales, habitat management, or land clearing will be conducted according to the policies and principles listed in the applicable RMPs and the INRMP. Any vegetation manipulation by USARAK for military purposes not included in the INRMP or applicable RMPs by USARAK must be approved by BLM.

BLM agrees to grant vegetation management responsibilities and rights to USARAK for military purposes while BLM will maintain vegetation management responsibility for all commercial nonmilitary uses.

For military purposes, U.S. Army timber management practices, contract stipulations, and the mandates of the State's forest practices regulations would govern the sale of timber from these lands. Any funds from the sale of forest products for military purposes shall be deposited into the U.S. Army's forest reserve account and returned to support the management of forest resources on military lands in Alaska. Any costs incurred in the sale of forest products, to include inventory, boundary marking, tree marking, etc., will be the responsibility of USARAK.

For non-military purposes, BLM timber management practices, contract stipulations, and the mandates of the State's forest practices regulations would govern the sale of timber from these lands. Any funds from the sale of forest products for nonmilitary purposes shall be deposited into the U.S. Treasury. Any costs incurred in the sale of forest products for nonmilitary purposes, to include inventory, boundary marking, tree marking, etc., will be the responsibility of BLM.

Members of the public may approach BLM for a permit to purchase timber on withdrawn lands, but each timber sale must be approved by the U.S. Army.

Timber removal and other forest management practices will be coordinated with Range Control to ensure minimal disruption of military training. Scheduling usually will be done three to six months in advance of activities. Appropriate NEPA documentation will be completed prior to implementation of timber stand improvement projects.

No land or forest products from U.S. Army lands in Alaska will be sold under Section 2665 (a) or (b), Title 10 USC, and no land will be leased on U.S. Army lands in Alaska under Section 2667 of Title 10 unless the effects of such sales or leases are compatible with the purposes of the Integrated Natural Resources Management Plan.

## 6.8 Fire Management

The AFS, a BLM agency, has primary fire suppression responsibility for wildfires on lands in central and northern Alaska. The Army has an Inter-Service Support Agreement with BLM whereby AFS is provided facilities on Fort Wainwright in exchange for fire protection on Army lands. Nothing in this MOU shall supersede existing agreements between USARAK and BLM - AFS.



## 6.9 Outdoor Recreation

USARAK is responsible for:

- management of outdoor recreational activities and natural resources,
- coordinated selection and designation of installation outdoor recreation areas,
- coordination of the use of outdoor recreation areas and their maintenance,
- the movement of persons, special events, and organizational elements of outdoor recreation,
- determining the need for various outdoor recreation activities,
- administering the recreation aspects of approved programs,
- issuing use permits to individuals and groups when their requests for recreation access meet policy requirements, and
- removing trespass structures.

BLM is responsible for:

- All commercial requests for recreational use
- Permitting any commercial recreational use

## 6.10 Conservation Enforcement

USARAK is responsible for conservation enforcement on USARAK lands. USARAK has concurrent jurisdiction. Conservation enforcement can be performed by officers with federal or state commissions. Enforcement is a joint responsibility of USARAK and Alaska State Troopers. The federal magistrate adjudicates citations written by USARAK officers, unless they are military personnel who violate only post regulations. In these cases, military commanders adjudicate citations. Trooper-issued citations use the state system for adjudication.

## 6.11 Cultural Resources

USARAK DPW is responsible for cultural resource management. BLM and USARAK are jointly responsible for conducting Section 110 surveys of archaeological resources in the training areas. USARAK is responsible for conducting Section 106, NHPA actions for undertakings that result from natural resource management and military training.

## 6.12 NEPA

USARAK has primary responsibility for NEPA for actions proposed by the military. Natural resources personnel assist with compliance and documentation. Army Regulation 200-2 (*Environmental Effects of Army Actions*) requires proponents to prepare and fund NEPA documentation.

BLM has primary responsibility for NEPA for actions proposed by the public. BLM is responsible for the NEPA process and all NEPA documentation for any actions not proposed by the military.

## 7. REQUIRED AGREEMENTS

Nothing contained in this agreement shall modify any rights granted by treaty to any Native Alaskans or Indian tribe or to members thereof.

This MOU will become effective upon the date subscribed by the last signature and shall continue in full force for a period of five years or until terminated by written notice to the other parties by any of the parties signing this agreement. This agreement may be amended or revised by agreement between the parties hereto. Action to amend or revise may originate with any of the other participating agencies.

